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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,812	12/11/2000	Mark A. Peloquin	AUS9-2000-0529-US1	2076
35525	7590	07/14/2004	EXAMINER	
IBM CORP (YA)			TRUONG, LECHI	
C/O YEE & ASSOCIATES PC				
P.O. BOX 802333			ART UNIT	
DALLAS, TX 75380			PAPER NUMBER	
			2126	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,812

Applicant(s)

PELOQUIN ET AL.

Examiner

LeChi Truong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,9,23 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-6,8,10-22,24, 26-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6/17/2004. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1- 31 are presented for the examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Claim Rejections - 35 USC § 102

(a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-6, 8, 10-22, 24, 26-31 are rejected under 35 U.S.C. 102(a) as being anticipated by Ben Rafanello (A fully Integrated Logical volume Management system).
3. As to claim 1, Ben teaches a set of feature plug-in modules (plug-in modules, page 1, ln 26-32/ page 4, ln 6-9), selecting a first plurality of feature plug-in modules (page10, ln 10-22), ordering (stack feature, page 10, ln 19-25/ page 6, ln 1-5), applying the first plurality of feature plug-in modules to a first volume (page 10, ln 10-22).
4. As to claim 2, Ben teaches logical volume manager (LVMs, page 7, ln 3-7), aggregate (aggregators, page 7, ln 3-7), selecting the first plurality of feature plug-in modules... associated with at least one aggregate (page 8, ln 6-8).
5. As to claim 3, Ben teaches logical volume manager (LVM, page 10, ln 2-3), partition (partition, page 10, ln 2-3), selecting the first plurality of feature plug-in modules.. associated with the at least one partition, page 10, ln 12-14).

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6. As to **claim 4**, it is an apparatus claim of claim 3; therefore, they are rejected for the same reason as claim 4 above.
7. As to **claim 5**, Ben teaches receiving selection feature plug-in modules by users (page 7, ln 13-18).
8. As to **claim 6**, Ben teaches classification information corresponding to the first plurality of feature plug-in modules (four classed of plug-in modules, page 1, ln 30-33), ordering the first plurality of feature plug-in modules (the feature stack, page 10, ln 22-23).
9. As to **claim 8**, Ben teaches attribute information (partition information/ device available/ capability of volumes, page 1, ln 32-37).
10. As to **claim 10**, it is an apparatus claim of claim 5; therefore, it is rejected for the same reason as claim 5 above.
11. As to **claim 11**, Ben teaches a feature stack (a feature stack, page 10, ln 19-23).
12. As to **claim 12**, it is an apparatus claims of claim 1; therefore, it is rejected for the same reason as claim 1 above.
13. As to **claim 13**, Ben teaches plurality of feature plug-in modules is not in the first plurality of feature plug-in modules (page 1, ln 1-32).
14. As to **claim 14**, Ben teaches the first plurality of feature plug-in modules and the second plurality of feature plug-in modules are ordered differently (the partition class features will always be at the bottom, page 10, ln 14-15/ the Volume class features at the top of the feature stack, page 10, ln 19-21)
15. As to **claim 15-22, 24, 26, 27-31**, they are apparatus claims of claims 1-6, 8, 10-11; therefore, it is rejected for the same reason as claims 1-6, 8, 10-11 above.

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Allowable Subject Matter

16. Claims 7, 9, 23, 25 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

July 9, 2004

